UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/C.5/51/51
30 May 1997

ORIGINAL: ENGLISH

Fifty-first session
FIFTH COMMITTEE
Agenda item 139

FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

Report of the Secretary-General

SUMMARY

The present report contains the second budget performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994. An amount totalling $36,494,700 net ($40,161,900 gross) was appropriated by the General Assembly in resolutions 50/213 A, B and C for 1996. In its resolution 51/215 of 18 December 1996, the Assembly approved the use of the credit of the unencumbered balance for 1996, amounting to $12 million, in financing the Tribunal budget for 1997. During 1996, the actual expenditure amounted to $24,477,800 against provisions of $36,494,700.

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I. INTRODUCTION

1. The previous performance report submitted in response to General Assembly resolution 49/251 of 20 July 1995 (A/C.5/50/70) detailed the expenditures in the calendar year 1995. The present report contains the performance report of the Tribunal for 1996, the first full year of operation. A notable development in the activities of the Tribunal during the year was the installation of the judges in Arusha to take up their duties on a full-time basis.

2. Recruitment of much-needed staff was slow and uneven, with many functions left unstaffed for months at a time owing to the unavailability of candidates to take up assignments at the Arusha and Kigali offices of the Tribunal. The Office of the Prosecutor commenced its field investigations with the service of gratis personnel and with equipment provided by donor Governments. By comparison, the Registry was hampered in reaching full operation owing to the difficulty in obtaining staff for positions that required skills and experience in the common system, particularly in-depth knowledge of the Staff and Financial Rules and Regulations. While a number of outside applicants were appointed to responsible positions in the Registry, it became clear that their skills were not easily transferable to the work of a United Nations operation.

3. In addition, skills were required for the smooth functioning of the Office of the Prosecutor that are atypical of United Nations operations, such as the skills of crime investigators and lawyers with courtroom experience, for which recruitment of appropriate personnel at the international level was even more difficult.

4. Delays were experienced in the procurement of material and equipment, the construction and renovation of premises and the periodic maintenance of basic housekeeping functions, such as the maintenance and preparation of accounting records, financial statements and bank reconciliations. In spite of the difficulties, major accomplishments during the period included conclusion of a contract for the rental of premises and installation of the offices of the Tribunal in the Arusha International Conference Centre, the construction of the first full courtroom and renovation of Conference Centre premises assigned to the Chambers and the conclusion of an agreement with the host Government on the modalities governing the construction and operation of the United Nations Detention Facility. The agreement with the host Government led to the start of construction and the day-to-day operation of a detention facility at Arusha, with sufficient space to accommodate a limited number of prisoners, pending completion of the full facility. It also led to the development of operational procedures that met the standards of the International Committee of the Red Cross.

5. Activities of the Tribunal yielded 14 indictments involving 21 persons. Negotiations were undertaken for transferring accused persons in the custody of several Member States to the custody of the Tribunal. By the end of the year, 11 accused persons had been either imprisoned at the Detention Facility or identified to be transferred to the custody of the Tribunal under cooperative arrangements with Member States. Preparations also began for the prosecution of

the persons detained by the Tribunal, as the first trial was scheduled to begin in January 1997.

6. In resolution 51/215 of 18 December 1996, the General Assembly approved the financing of the Tribunal for 1997 on the basis of a combination of assessments, the use of credits under the Special Account of the United Nations Assistance Mission for Rwanda and the use of an estimated unencumbered balance of $12 million. Actual expenditures recorded for 1996 amount to $24,477,800 against a total appropriation of $36,494,700.

7. The breakdown of expenditures by object and the related variances against the approved estimates are explained below.

II. PERFORMANCE REPORT FOR 1996

(Thousands of United States dollars)

Object of expenditure	Appropriation	Expenditure	Variance
Temporary posts	14 982.8	11 030.1	(3 952.7)
Salaries and allowances of judges (including common costs)	682.8	662.3	(20.5)
Other staff costs	402.0	552.5	150.5
Consultants and experts	1 479.0	200.6	(1 278.4)
Travel	1 441.1	2 106.8	665.7
Contractual services	3 131.3	262.9	(2 868.4)
Hospitality	5.0	6.8	1.8
General operating expenses	2 701.0	1 420.1	(1 280.9)
Supplies and materials	749.3	1 007.2	257.9
Furniture and equipment	4 571.0	2 950.7	(1 620.3)
Construction and alteration of premises	6 349.4	4 277.8	(2 071.6)
Total	36 494.7	24 477.8	(12 016.9)

Temporary posts (Expenditure: $11,030,100)

8. The savings ($3,952,700) under this heading reflect the long lead times for recruiting staff to work at both Arusha and Kigali, resulting in high vacancy rates during the year.

Salaries and allowances of judges (including common costs)
(Expenditure: $662,300)

9. The net decrease in the amount of $20,500 is explained by lower than anticipated costs for the installation of the judges at Arusha.

Other staff costs (Expenditure: $552,500)

10. The requirements under this heading showing an increase of $150,500 relate to staff appointed on a short-term basis under general temporary assistance to meet the immediate needs of the Tribunal ($501,000) and for overtime of local staff ($51,500). No resources were utilized under temporary assistance, as language services were provided by regular staff assigned to the Tribunal.

Consultants and experts (Expenditure: $200,600)

11. The major reason for the reduction of $1,278,400 in requirements under this heading relates to a reduced need for outside expertise in connection with evaluating evidence at mass graves.

Travel (Expenditure: $2,106,800)

12. Increased requirements of $665,700 under this heading relate to the Chambers ($37,000) and the Office of the Prosecutor ($706,400), partially offset by savings on the order of $77,700 under the Registry. The over-expenditure under the Office of the Prosecutor relates to the lack of experience in connection with travel and subsistence requirements of investigative teams.

Contractual services (Expenditure: $262,900)

13. The reduction on the order of $2,868,400 under this heading reflects lower than anticipated expenditures in respect of counsel for indigent accused persons as a result of delays in the conduct of trials originally planned for 1996. The actual expenditures relate to defence counsel ($132,400), to a consultant who assisted with the drawings for the renovation of the Conference Centre premises ($77,700) and to contractual costs for Detention Facility guards ($52,800).

Hospitality (Expenditure: $6,800)

14. The requirements under this heading reflect an increase of $1,800. Expenditures include receptions held in conjunction with the plenary meetings of the Tribunal and hospitality to delegations.

General operating expenses (Expenditure: $1,420,100)

15. Requirements under this heading had been estimated on the basis of a greater number of staff being on board during the year than was realized. The related savings amounted to $1,280,900.

Supplies and materials (Expenditure: $1,007,200)

16. The additional requirements in the amount of $257,900 under this heading reflect the costs of setting up the Tribunal through bulk purchases of initial stock for all types of supplies for office and technical shops.

Furniture and equipment (Expenditure: $2,950,700)

17. The reduced requirements, involving a decrease of $1,620,300, reflect delays in procurement for equipment and other services.

Construction and alteration of premises
(Expenditure: $4,277,800)

18. The bulk of the amount requested under this heading, which reflects a savings of $2,071,600, was allocated to construction and renovation of the Conference Centre premises in two phases: phase I, at a cost of $1,036,281, relates to the construction of the first court room and renovation of the space allocated to the Chambers of the Tribunal; phase II, at an estimated cost of $2,845,577, relates to the construction in 1997 of the second courtroom and protected access to it for detainees on their way to court appearances, as well as to renovation of the remaining floors leased from the Centre. It is expected that phase II will lead to rationalization of the office space, including provision of space dedicated to storage, workshops and the catering facility. The remainder, an amount of $395,898, was allocated to the construction of the Detention Facility.

III. ACTION REQUESTED OF THE GENERAL ASSEMBLY

19. The General Assembly is requested to take note of the present report.